

Serial No. 10/646,390
Art Unit: 1647

Attorney Docket No. 674558-2002.1

REMARKS

Entry of the amendments is respectfully requested. Claims 2-6, 23, 26, and 27 have been canceled without prejudice. Applicant reserves the right to file one or more continuing applications on these claims. Claims 1, 7, and 24 are currently amended. No new claims have been added. Claims 1, 7, 8-22, 24, 25, and 28-54 are pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing amendments and the remarks that follow.

1. Restriction Requirement.

The holding of finality of the Restriction Requirement is acknowledged. Claims 8-22, 25, and 28-54 have been withdrawn. Applicants reserve the right to file one or more divisional application on these claims.

2. Objection to the Claims.

Claims 1, 23, 24, 26, and 27 were objected to. Claims 23, 26, and 27 have been canceled, obviating the objection to these claims. Claim 1 has been amended to delete "a GCR2 polypeptide" therefrom. Claim 24 has been amended to remove the dependency on a non-elected claim. In light of the amendments, withdrawal of this objection is requested.

3. Double Patenting Rejection.

Claims 1-7, 23, 24, 26, and 27 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-7, 23, 24, 26, and 27 of co-pending Application No. 10/621,911 ('911 Application). The '911 Application has been abandoned, thereby obviating this provisional rejection.

4. Rejection Under § 101.

Claims 1-7, 23, 24, 26, and 27 were rejected under 35 U.S.C. § 101 because the claims are directed to non-statutory subject matter. Claims 2-6, 23, 26, and 27 have been canceled, obviating the rejection of these claims. Claims 1 and 24 have been amended to recite an isolated polypeptide. In light of the amendments, withdrawal of this rejection is requested.

5. Rejection Under § 112, Second Paragraph.

Claim 23 was rejected under 35 U.S.C. § 112, ¶2 as being indefinite. Claim 23 has been canceled, obviating this rejection.

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6. Rejection Under § 112, First Paragraph.

Claims 1-7, 23, 24, 26, and 27 were rejected under 35 U.S.C. § 112, ¶ 1 as failing to comply with the written description requirement. Claims 2-6, 23, 26, and 27 have been canceled, obviating the rejection of these claims.

Claims 1 and 24 have been amended and are now believed to satisfy the written description requirement. Claim 7 depends from claim 1. In light of the amendments, withdrawal of this rejection is requested.

7. Rejection Under § 102(b).

Claims 1-7, 23, 24, 26, and 27 were rejected under 35 U.S.C. § 102(b) as being anticipated by PIR accession number JC1241. Claims 2-6, 23, 26, and 27 have been canceled, obviating the rejection of these claims. Claims 1 and 24 have been amended. The Applicants respectfully traverse this rejection as it may be applied to the amended claims. Submitted herewith is a Supplemental Information Disclosure Statement that includes Hayzer, *et al.*, Gene, 117 (1992), 277-278, from which the cited sequence comes. PIR accession number JC1241 and Hayzer *et al.* fail to disclose each and every element of the novel subject matter disclosed and set forth in the amended claims. PIR accession number JC1241 is not an isolated GCRI polypeptide having at least 90% homology to the sequence set forth in SEQ ID NO: 2, as claim 1 requires and is not an isolated polypeptide encoded by a nucleic acid having at least 90% homology to the sequence set forth in SEQ ID NO: 1, as claim 24 requires. Furthermore, Hayzer *et al.* is silent on murine homologues. Therefore, reconsideration is in order and is respectfully requested.

CONCLUSION

It is submitted that the pending claims are in compliance with 35 U.S.C. §§ 101, 112, and 102 and each define patentable subject matter. A Notice of Allowance is therefore respectfully requested. The Director is authorized to charge Deposit Account No. 23-2053 for the fee associated with a one-month extension of time, which the Applicants hereby request.

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The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Dated this 21st day of February, 2006.

Respectfully submitted,



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